

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

<u>ALICE H. ALLEN, et al.,</u>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 5:09–CV–00230–cr
	)	
DAIRY FARMERS OF AMERICA, INC., and	)	
DAIRY MARKETING SERVICES, LLC,	)	
	)	
<u>Defendants.</u>	)	

**DAIRY FARMER SUBCLASSES’ UNOPPOSED MOTION FOR LEAVE  
TO SUBMIT SUPPLEMENTAL MEMORANDUM RELATING TO  
MOTION FOR FINAL APPROVAL OF PROPOSED SETTLEMENT  
WITH DEFENDANTS DAIRY FARMERS OF AMERICA, INC. AND  
DAIRY MARKETING SERVICES, LLC**

The DFA/DMS and Non-DFA/DMS Farmer Subclasses (“Subclasses”), through Subclass Counsel, respectfully request leave to file a Supplemental Memorandum Relating to Motion for Final Approval of Proposed Settlement with Defendants Dairy Farmers of America, Inc. and Dairy Marketing Services, LLC. In support of this request, the Subclasses show the following:

1. Near the end of the January 29, 2014 hearing, the Court raised several questions and asked about related authorities. The Supplemental Memorandum provides brief responses to certain of those questions and related authority citations for the convenience of the Court.
2. Many of the dairy farmers who spoke at the hearing raised subjects not previously disclosed as required by the Court’s procedure and not reasonably anticipated by Subclass Counsel. *See* 11/25/14 Order at 11, Dkt. 582 (approving Class Notice that required objectors to provide written explanation of “specific reasons” for their objections in advance of the hearing).

The Supplemental Memorandum provides brief responses to certain of those subjects and related authority citations.

3. Subclass Counsel contacted counsel for Defendants DFA and DMS and confirmed they do not oppose the submission of a supplemental memorandum.

WHEREFORE, the Subclasses respectfully request the Court to enter an Order granting the Subclasses leave to file the Supplemental Memorandum attached hereto as Exhibit A.

Dated: February 12, 2015

/s/ Robert G. Abrams

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Respectfully Submitted,

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*Counsel for the DFA/DMS Subclass*

**CERTIFICATE OF SERVICE**

I, Robert G. Abrams, certify that a true and correct copy of the foregoing *Dairy Farmer Subclasses' Unopposed Motion for Leave to Submit Supplemental Memorandum Relating to Motion for Final Approval of Proposed Settlement with Defendants Dairy Farmers of America, Inc. and Dairy Marketing Services, LLC* was served this 12th day of February, 2015, on all counsel of record by ECF.

/s/ Robert G. Abrams  
Robert G. Abrams